

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
CIVIL MINUTES**

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|---------------------|-----------------------------------|------------------|-------------------------|
| Case Title : | Southern Inyo Healthcare District | Case No : | 16-10015 – A – 9 |
| | | Date : | 8/30/17 |
| | | Time : | 1:30 |

Matter : [302] – Amended 268 Disclosure Statement [BH-19] (tjof)

| | | | |
|---------------------|---------------------|---------------------------|-------------------|
| Judge : | Fredrick E. Clement | Courtroom Deputy : | Rosalia Estrada |
| Department : | A | Reporter : | Electronic Record |

APPEARANCES for :

Movant(s) :

Debtor(s) Attorney – Ashley M. McDow

Respondent(s) :

(by phone) Creditor's Attorney – Paul J. Pascuzzi, Latonia C. Williams
U.S. Trustee's Attorney – Robin S. Tubesing

HEARING CONTINUED TO: 11/1/17 at 01:30 PM

As more fully set forth on the record,

1. The court continued the hearing on approval of disclosure statement to November 1, 2017, at 1:30 p.m. in Courtroom 11, Fifth Floor, 2500 Tulare Street, Fresno, California.

2. Not later than October 18, 2017, the debtor will file and serve: (1) a notice of the continued hearing, to all persons having received notice of the First Amended Disclosure Statement; (2) a Second Amended Plan; (3) a Second Amended Disclosure Statement; (4) a redlined copy of each; and (5) a status report addressing the special election issue.

The First Amended Plan and First Amended Disclosure Statement will be modified, as noted on the record. The corresponding portions of the plan or disclosure statement will be modified accordingly.

FIRST AMENDED PLAN

2.1. First Amended Plan, art. I, § A(2). Amend to include claims deemed allowed under Federal Rule of Bankruptcy Procedure 3003(c)(2).

2.2. First Amended Plan, art. IV., § A(6)(a). The debtor will clarify Optum Bank's entitlement to vote.

2.3. First Amended Plan, art. IV., § A(6)(b). Pursuant to the Joint Stipulation Regarding Extension of Time to Make Election Under 11 U.S.C. § 1111(b), ECF No. 317, Optum Bank will have five (5) business days after entry of an order or judgment by this court, to make an election under 11 U.S.C. § 1111(b).

2.4. First Amended Plan, art. XI., § A. Include language, as to the mechanism to implement the discharge.

2.5. First Amended Plan, art. XI., § B. Amend to comply with the conspicuous language requirement of Federal Rule of Bankruptcy Procedure 3016(c).

2.6. First Amended Plan, art. XI., § B, D. At confirmation, the court will require a brief from the debtor as to the injunction and exculpation of third parties and the authority of *In re Lowenschuss*, 67 F.3d 1394 (9th Cir. 1995).

2.7. First Amended Plan, art. IX., § B, H. Remove references to "Sonia Gaeta".

2.8. At confirmation, the court will require a brief and evidence in support, addressing whether the plan is in the best interest of creditors. 11 U.S.C. § 943(b)(7).

FIRST AMENDED DISCLOSURE STATEMENT

2.9. First Amended Disclosure Statement, art. I., at 8, 13. Remove all references to "Sonia Gaeta".

2.10. First Amended Disclosure Statement, art. I., at 7:19. Change reference to "First Amended Plan" to "Second Amended Plan".

2.11. First Amended Disclosure Statement, art. I., at 9. Include anticipated percentage payable to general unsecured creditors.

MOTION, ECF No. 310

Confirmation Procedures

2.12. The notice of hearing on confirmation will comply with Federal Rule of Bankruptcy Procedure 2002(c)(3).

2.13. Motion, ECF No. 310, art. II., § D(3). The dates to be modified such that documents are filed with the court, not later than fourteen (14) days prior to the hearing on confirmation.

2.14. All issues on confirmation will be supported by evidence, in the form of declarations made under penalty of perjury, by an individual with personal knowledge.